

IN THE CLAIMS:

Please cancel claim 2 without prejudice or disclaimer. Please amend claims 1, 7, and 8, as follows below. In accordance with 37 C.F.R. § 1.21(c)(1), a marked-up version of the claims is set forth at the end of this response under the heading "Marked-up Version of the Claims."

1. (Twice amended) A purified nucleotide sequence consisting essentially of:

- a) nucleotides 1-2056 of SEQ ID NO. 3, or
- b) a sequence which has at least 80% homology with a), or
- c) a fragment of the nucleotide of a) or b)

wherein said purified nucleotide sequence is capable of expressing a second nucleotide sequence to which it is operably linked, and wherein said purified nucleotide sequence is a gametophytic-specific promoter and wherein the nucleotide sequences of a), b) and c) are all capable of expressing a second nucleotide sequence to which they are operably linked.

7. (Amended) A plant having gametophytic male sterility with inducible fertility, comprising a gene encoding a cytotoxic product which is operably linked to a male-gamete-specific promoter.

8. (Amended) A method for producing a plant with gametophytic male sterility with inducible fertility, comprising inserting into one or more plant cells a gene that is operably linked to a gametophyte-specific promoter, wherein the expression product of said gene is cytotoxic to a microspore; and producing a plant therefrom which does not produce a male gamete, wherein said gametophyte-specific promoter consists essentially of nucleotides 1-2056 of SEQ ID NO. 3, or fragment thereof, wherein said promoter and said fragment are capable of expressing said gene.